



United States Department of the Interior

Fish and Wildlife Service
Arizona Ecological Services Office

9828 North 31st Avenue, Suite C3

Phoenix, Arizona 85051

Telephone: (602) 242-0210 Fax: (602) 242-2513



In reply refer to:
AESO/SE

March 23, 2021

Dear Interested Party:

We are sending you this letter to offer our assistance in helping you to comply with section 7 of the Endangered Species Act (Act) of 1973, as amended, during emergency events such as wildland fire. The Act's section 7 regulations (50 CFR 402.05) provide for emergency consultations during "situations involving acts of God, disasters, casualties, national defense or security emergencies, etc." During any emergency, our primary objective is to provide recommendations for minimizing adverse effects to listed species and critical habitat without impeding response efforts. During emergency events including wildfires, *protecting human life must come first every time*. Consequently, we will not recommend measures for protection of listed species or their critical habitat if these measures place human lives in danger.

Once a Federal action agency determines an emergency is in proximity to, or could affect listed species or critical habitat, the action agency contacts the U.S. Fish and Wildlife Service (FWS). This contact can be by telephone or email to the Arizona Ecological Services Office geographic lead biologist who works with your staff. If you do not know the appropriate contact, please use the phone numbers or emails we have provided at the end of this letter. The contact should be as soon as you expect an emergency response is necessary. At that time, please provide us with as much detail as possible about the location and severity of the emergency and your response. If you have specific information, regarding effects to listed species or their habitats, please provide this information. Subsequent calls and/or emails with us can add or update information as appropriate. At this initial contact and throughout the emergency response, we will provide recommendations to avoid or minimize effects to listed species and their habitats. If your agency distributes news releases on the emergency, please include us on your distribution list. After the initial contact, we will provide you with an emergency consultation number and specific minimization measures, as appropriate.

As soon as practical after the emergency event is under control, we recommend that you work with us to determine if the emergency response affected or did not affect listed species (or habitat) and/or critical habitat and whether we can address effects in an informal (conurrence letter) or formal (biological opinion) consultation. If incidental take of a listed species occurs during the emergency event, we will provide an incidental take statement for your emergency actions in a biological opinion. The biological opinion will address the effects of suppression actions (e.g., overflights, water drops, fire line construction, etc.) to listed species and critical

habitat and contain an evaluation of how the emergency action incorporated minimization measures. The adverse effects resulting from the emergency itself (such as a wildfire) are not attributable to the Federal action agency. Because the incidental take statement is after-the-fact, reasonable and prudent measures are not included in the biological opinion for the emergency actions unless ongoing actions will result in incidental take.

In order to streamline the consultation process and assist us in updating the baseline for any affected species, we developed forms to report actions taken during suppression activities, conservation measures implemented, and effects to species and/or critical habitat. Action agencies may use this form to replace a biological assessment for an emergency fire response and are available from us on our website at [Arizona Ecological Services Office Endangered Species Act Guidance](#).

In some cases the program by which agencies handle emergencies could be the subject of programmatic consultation. Such consultation may reduce or eliminate the need for you to consult with us on each and every emergency response that may affect listed species or critical habitat. We encourage you to work with us determine whether a programmatic approach would assist with streamlining this process.

We also continue to work with many of our Federal partners to provide technical assistance and coordination prior to recurrent emergency events such as developing species-specific conservation measures. For emergency wildfire response, we recommend you consider implementing the following general measures if compatible with firefighter and public safety, the first priority in every fire management activity. As appropriate, we may recommend additional measures, or modifications of the measures below, during emergency consultation, if required.

1. We recommend informing all fire personnel about listed species and the importance of protecting their habitats and minimizing effects. We recommend including this information in the incident management objectives.
2. We recommend designating Resource Advisors to coordinate natural resource concerns including listed species and critical habitat. Besides being the main point of contact for discussions for us, a Resource Advisor can identify protective measures to ensure personnel minimize adverse effects to listed species and their habitats.
3. Whenever possible, locate crew camps, equipment staging areas, and aircraft landing and fueling areas outside of listed-species habitats, and preferably in locations that are previously disturbed. If camps must be located in listed-species habitat, we recommend working with the Resource Advisor and the FWS staff contact to minimize and document effects to listed species and habitat.
4. To avoid unintentionally spreading aquatic invasive species (AIS) during fire operations, we recommend implementing guidelines to prevent the spread of AIS during fire operations ([Southwest Coordinating Group AIS Guidance for Fire Operations](#)), Interagency Standards for Fire and Fire Aviation Operations (Redbook) guidelines, or

your agency-specific guidelines.

We also recommend that action agencies evaluate the effectiveness of suppression activities and recommend revisions to listed species minimization measures after a fire. We recommend action agencies consult on Burned Area Emergency Rehabilitation (BAER) activities independently from emergency actions. We encourage monitoring the effectiveness of these actions after major fires.

We look forward to working with you in your planning activities and responses to any emergency, thereby helping to conserve species. If you have any questions, please contact Shaula Hedwall (Shaula_Hedwall@fws.gov) at (928) 556-2118 for actions in northern and central Arizona, Mary Richardson (Mary_Richardson@fws.gov) at (602) 889-5956 for actions in the Apache-Sitgreaves National Forest, and Julie McIntyre (Julie_McIntyre@fws.gov) at (520) 670-6150 (x223) for actions in southern Arizona.

Sincerely



Jeffrey A. Humphrey
Field Supervisor

cc: Arizona Ecological Services Office Fish and Wildlife Biologists